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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12

13 ROYAL PRINTEX, INC., a California
14 Corporation,

15 Plaintiff,

16 v.
17

18 SANS SOUCI, LLC., a California
19 Limited Liability Company; THE TJX
20 COMPANIES, INC., a Massachusetts
21 Corporation; TJ MAXX, a wholly
22 owned subsidiary of THE TJX
23 COMPANIES; and DOES 1 through 10,

24 Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR:

1. COPYRIGHT INFRINGEMENT;
2. VICARIOUS AND/OR CONTRIBUTORY COPYRIGHT INFRINGEMENT

Jury Trial Demanded

25 Plaintiff ROYAL PRINTEX, INC., by and through its undersigned attorneys,
26 hereby prays to this honorable Court for relief as follows:
27

JURISDICTION AND VENUE

1
2 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101
3 *et seq.*

4 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and
5 1338 (a) and (b).

6 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and
7 1400(a) in that this is the judicial district in which a substantial part of the acts and
8 omissions giving rise to the claims occurred.

9 **PARTIES**

10 1. Plaintiff, ROYAL PRINTEX, INC (“ROYAL PRINTEX”) is a corporation
11 organized and existing under the laws of the State of California with its principal
12 place of business located in the Los Angeles County.

13 2. Plaintiff is informed and believes and thereon alleges that Defendant SANS
14 SOUCI, LLC. (“SANS SOUCI”) is a limited liability company organized and
15 existing under the laws of the state of California, and is doing business in and with
16 the state of California.

17 3. Plaintiff is informed and believes and thereon alleges that THE TJX
18 COMPANIES, INC. is a corporation organized and existing under the laws of the
19 state of Massachusetts, and is doing business in and with the state of California.

20 4. Plaintiff is informed and believes and thereon alleges that Defendant TJ
21 MAXX. (“TJ MAXX”) is a wholly owned subsidiary of THE TJX COMPANIES,
22 INC. (collectively “TJX”).

23 5. Defendants DOES 1 through 10, inclusive, are other parties not yet
24 identified who have infringed Plaintiff’s copyrights, have contributed to the
25 infringement of Plaintiff’s copyrights, or have engaged in one or more of the
26 wrongful practices alleged herein. The true names, whether corporate, individual or
27 otherwise, of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff,
28

1 which therefore sues said Defendants by such fictitious names, and will seek leave to
2 amend this Complaint to show their true names and capacities when same have been
3 ascertained.

4 6. Plaintiff is informed and believes and thereon alleges that at all times
5 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
6 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
7 at all times acting within the scope of such agency, affiliation, alter-ego relationship
8 and/or employment; and actively participated in or subsequently ratified and
9 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of
10 all the facts and circumstances, including, but not limited to, full knowledge of each
11 and every violation of Plaintiff's rights and the damages to Plaintiff proximately
12 caused thereby.

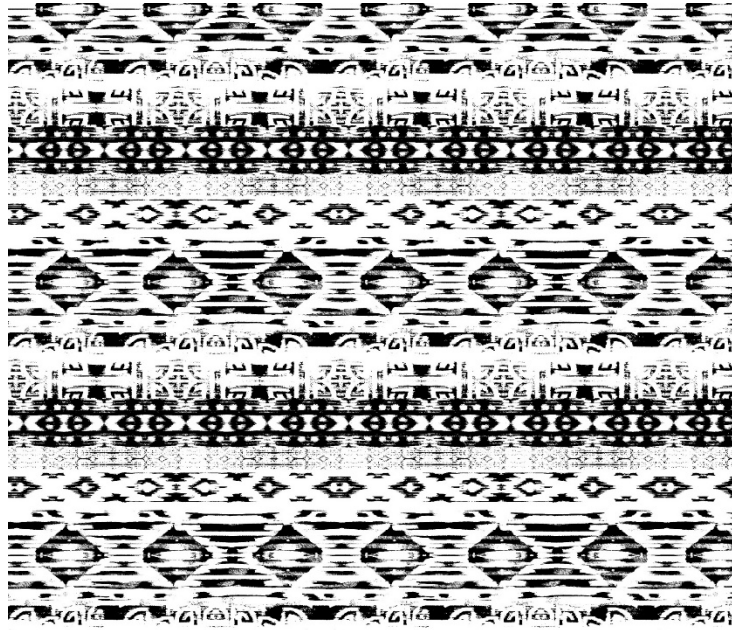
13 **CLAIM RELATED TO DESIGN R8982**

14 7. Prior to the conduct complained of herein, Plaintiff composed an original
15 two-dimensional artwork for purposes of textile printing, which is set forth
16 hereinbelow. It allocated this artwork Plaintiff's internal design number R8982
17 (hereinafter the "Subject Design"). This artwork was a creation of Plaintiff and/or
18 Plaintiff's design team, and is, and at all relevant times was, owned exclusively by
19 Plaintiff.

20 8. Plaintiff applied for and received a United States Copyright Registration
21 for the Subject Design.

22 9. Prior to the acts complained of herein, Plaintiff sampled and sold fabric
23 bearing Subject Design to numerous parties in the fashion and apparel industries. A
24 true and correct image of the Subject Design is presented below:
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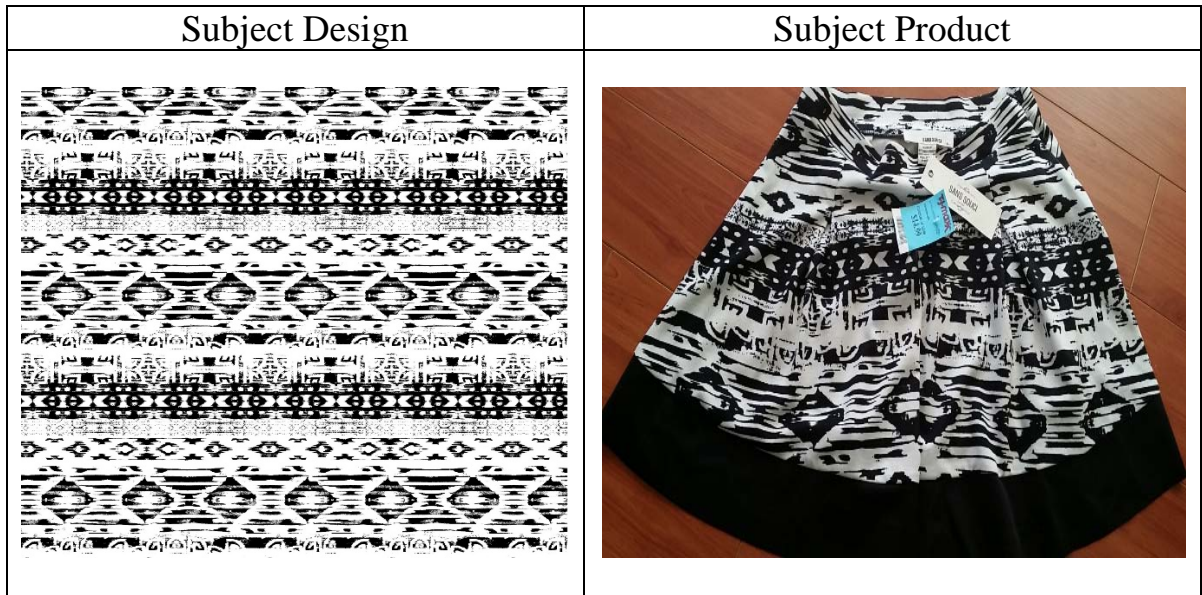
Subject Design:



10. Plaintiff is informed and believes and thereon alleges that, following this distribution of fabric bearing Subject Design, SANS SOUCI, TJX, and certain DOE Defendants created, sold, manufactured, caused to be manufactured, imported and distributed fabric and/or garments comprised of fabric bearing an unauthorized reproduction of Subject Design (“Subject Product”). Such Subject Products include but are not limited to TJX garments sold under, *inter alia*, SKU or Style number GSS1485-1. Such Subject Product bore the “Sans Souci” label, indicating said garments were manufactured by, caused to be manufactured by, or supplied by SANS SOUCI. A comparison of the Subject Design (left) and the design on the Subject Product (right) is set forth below:

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11. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of Plaintiff's rights and/or in blatant disregard for Plaintiff's rights, such that said acts of copyright infringement were, and continue to be, willful, intentional and malicious, subjecting Defendants, and each of them, to liability for statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per infringement.

12. A comparison of the Subject Design and the non-exclusive exemplar of Subject Product makes apparent that the elements, composition, colors, arrangement, layout, and appearance of the designs are substantially similar.

FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against All Defendants, and Each)

13. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters

1 and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) garments
2 manufactured and sold to the public bearing fabric lawfully printed with the Subject
3 Design by Plaintiff for its customers.

4 14. Plaintiff is informed and believes and thereon alleges that one or more of
5 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is
6 further informed and believes and thereon alleges that said Defendant(s) has an
7 ongoing business relationship with Defendant retailers, and each of them, and
8 supplied garments to said retailer, which garments infringed the Subject Design in
9 that said garments were composed of fabric which featured unauthorized print
10 design(s) that were identical or substantially similar to the Subject Design, or were
11 an illegal derivation or modification thereof.

12 15. Plaintiff is informed and believes and thereon alleges that Defendants, and
13 each of them, infringed Plaintiff's copyright by creating, making, and/or developing
14 directly infringing and/or derivative works from the Subject Design and by
15 producing, distributing and/or selling garments which infringe the Subject Design
16 through a nationwide network of retail stores, catalogues, and through on-line
17 websites.

18 16. Due to Defendants' acts of infringement, Plaintiff has suffered substantial
19 damages to its business in an amount to be established at trial.

20 17. Due to Defendants' acts of infringement, Plaintiff has suffered general and
21 special damages in an amount to be established at trial.

22 18. Due to Defendants' acts of copyright infringement as alleged herein,
23 Defendants, and each of them, have obtained direct and indirect profits they would
24 not otherwise have realized but for their infringement of the Subject Design. As
25 such, Plaintiff is entitled to disgorgement of Defendants' profits directly and
26 indirectly attributable to Defendants' infringement of the Subject Design in an
27 amount to be established at trial.

1 19. Plaintiff is informed and believes and thereon alleges that Defendants, and
2 each of them, have committed acts of copyright infringement, as alleged above,
3 which were willful, intentional and malicious, which further subjects Defendants,
4 and each of them, to liability for statutory damages under Section 504(c)(2) of the
5 Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per
6 infringement. Within the time permitted by law, Plaintiff will make its election
7 between actual damages and statutory damages.

8 **SECOND CLAIM FOR RELIEF**

9 (For Vicarious and/or Contributory Copyright Infringement - Against All
10 Defendants)

11 20. Plaintiff repeats, realleges, and incorporates herein by reference as though
12 fully set forth, the allegations contained in the preceding paragraphs of this
13 Complaint.

14 21. Plaintiff is informed and believes and thereon alleges that Defendants
15 knowingly induced, participated in, aided and abetted in and profited from the illegal
16 reproduction and subsequent sales of garments featuring the Subject Design as
17 alleged herein.

18 22. Plaintiff is informed and believes and thereon alleges that Defendants, and
19 each of them, are vicariously liable for the infringement alleged herein because they
20 had the right and ability to supervise the infringing conduct and because they had a
21 direct financial interest in the infringing conduct.

22 23. By reason of the Defendants', and each of their, acts of contributory and
23 vicarious infringement as alleged above, Plaintiff has suffered and will continue to
24 suffer substantial damages to its business in an amount to be established at trial, as
25 well as additional general and special damages in an amount to be established at
26 trial.

24. Due to Defendants', and each of their, acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of the Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants' profits directly and indirectly attributable to Defendants' infringement of the Subject Design, in an amount to be established at trial.

25. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed acts of copyright infringement, as alleged above, which were willful, intentional and malicious, which further subjects Defendants, and each of them, to liability for statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per infringement. Within the time permitted by law, Plaintiff will make its election between actual damages and statutory damages.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment as follows:

Against All Defendants

26. With Respect to Each Claim for Relief

- a. That Defendants, each of them, and their agents and employees be enjoined from infringing Plaintiff's copyrights in any manner, specifically those for the Subject Design;
- b. That Defendants, and each of them, account to Plaintiff for their profits and any damages sustained by Plaintiff arising from the foregoing acts of infringement, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- c. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 101 et seq.;

- 1 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
2 e. That Plaintiff be awarded the costs of this action; and
3 f. That Plaintiff be awarded such further legal and equitable relief as the
4 Court deems proper.

5 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
6 38 and the 7th Amendment to the United States Constitution.

7 Respectfully submitted,

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9 Dated: February 9, 2015

By: /s/ Scott Alan Burroughs
Scott Alan Burroughs, Esq.
Trevor W. Barrett, Esq.
DONIGER / BURROUGHS
Attorneys for Plaintiff
ROYAL PRINTEX, INC.